

40 East Court Street
Rocky Mount, Virginia 24151
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County of Franklin
Board of Supervisors



Richard E. Huff, II
County Administrator
countyadmin@franklincountyva.org

RECEIVED

APR 01 2002

DEQ-WCRO

March 25, 2002

Mr. Jay Roberts
Environmental Engineer Senior
VA Department of Environmental Quality
3019 Peters Creek Road
Roanoke, VA 24019

Re: *Draft TMDL Development for Gills Creek, VA*
By MapTech Inc., for VA DEQ and VA DCR (2/02)

Dear Mr. Roberts:

At its meeting on March 19, 2002, the Board of Supervisors authorized the filing of comments regarding the above study. The County supports reasonable efforts to improve the quality of surface waters.

The County supports its agricultural economy and acknowledges the legitimate and necessary use of water for agricultural operations. The Board does not support the classification of all waters as recreational, and appreciates the current review by the involved agencies and State Water Control Board to potentially provide a broader range of designations. Not all streams may be used for recreational purposes due to factors such as depth, width, and accessibility. To expend scarce public resources on plans designed to bring non-recreational streams to a recreational water standard cannot be supported when that goal is unachievable due to the presence of limiting factors, such as wildlife. In demonstrable instances, the public's funds cannot purchase the objective sought. The approach to water quality programming calls for revision that will enable realistic plans to be implemented, and Franklin County appreciates these ongoing efforts by the State.

The County requests that water quality plans developed for Franklin County:

- Preserve and encourage the vitality of the agricultural sector;
- Assure that no unfunded financial requirements or mandates be imposed on that sector to implement the TMDL program;
- Seek voluntary assistance in meeting water quality goals;

- Protect groundwater supplies;
- Support the historical use of the waterway;
- Prioritize the areas of greatest need given limited funding resources at the Federal and State levels in order to support voluntary Best Management Practices; and
- Designate agriculture as a use for waters on a site-specific basis.

The draft Gills Creek TMDL includes a final load allocation of a 100% reduction in uncontrolled residential discharges, a 100% reduction in livestock fecal coliform, and a 95% reduction in wildlife fecal coliform. Members of the farming community have questioned the cattle counts in the draft plan and therefore the accuracy of designated source contributors to fecal coliform counts. Accurate background information is essential to a full understanding of the water basin, and the Board requests that the draft be reviewed for accuracy and revised as needed.

The Board supports other community comments that more effort be put forth toward the encouragement of septic maintenance practices, and less reliance be placed on the agricultural community to meet unrealistic water standards.

Availability of Federal and State funding for any changes anticipated by the implementation plan along the stream bank is supported. The current economic hardships faced by the dairy industry are underscored by a comment from a local dairyman that funding will have to be provided for farmers to participate, and "red tape" eliminated.

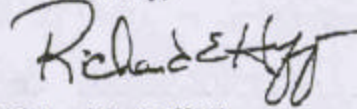
It is suggested that the plan acknowledge existing Best Management Practices as part of acceptable water basin management, without relying on implementation of additional actions such as fencing creeks which may deplete groundwater supplies and encourage the growth of wildlife. The Board suggests that not all water quality implementation may require revised approaches, but rather education and technical assistance.

The Board notes that the final load allocations are unachievable due to the presence of wildlife. It is recommended that the document feature a recognition of its limitations and assumptions, and state that the mandated standards cannot be achieved.

The County acknowledges with appreciation the recognition in the Gills Creek document that not all water bodies are recreational. The Board supports State efforts to consider incorporating the designation of other use categories and revised water standards in its water quality planning and programming.

We appreciate the opportunity to comment and should there be any questions we may assist with, please contact myself or Bonnie Johnson, Assistant County Administrator (540-483-3030).

Sincerely,



Richard E. Huff, II
County Administrator

Cc: The Hon. Virgil H. Goode, Jr., Member of Congress, 5th District
The Hon. William Roscoe Reynolds, State Senator
The Hon. Charles R. Hawkins, State Senator
The Hon. Allen W. Dudley, Virginia House of Delegates
The Hon. Daphne Jamison, Member, Board of Directors, Blue Ridge Soil and Water Conservation District

SENATE OF VIRGINIA

WM. ROSCOE REYNOLDS
20TH SENATORIAL DISTRICT
FLOYD, FRANKLIN, HENRY AND PATRICK
COUNTIES, THE CITY OF MARTINEVILLE,
AND PART OF CARROLL COUNTY
POST OFFICE BOX 404
MARTINEVILLE, VIRGINIA 24114-0404
EMAIL: ROSCOE@CIGCAT.COM



April 1, 2002

COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
COURTS OF JUSTICE
LOCAL GOVERNMENT

RECEIVED

APR 03 2002

DEQ-WCRO

Mr. Jay Roberts
Environmental Engineer Senior
Virginia Department of Environmental Quality
3019 Peters Creek Road
Roanoke, VA 24019

Dear Mr. Roberts;

I have received a copy of Richard E. Huff's letter of March 25, 2002 to you concerning the draft TMDL Development for Gills Creek.

I ask that you take into consideration all the concerns raised by his letter.

I would like an opportunity to discuss this matter with you.

Thank you very much.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Roscoe Reynolds".

Wm. Roscoe Reynolds

WRR:ew



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
Telephone (540) 562-6700, Fax (540) 562-6725
www.deq.state.va.us

Robert G. Burnley
Director

Richard F. Weeks, Jr.
Regional Director

April 19, 2002

Mr. Richard E. Huff, II, Administrator
Franklin County
40 East Court Street
Rocky Mount, VA 24151

Re: Gills Creek TMDL Study

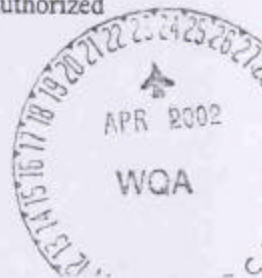
Dear Mr. Huff:

Thank you for your letter dated March 25, 2002, regarding the Gills Creek TMDL Study. Ms. Bonnie Johnson, Assistant County Administrator, represented Franklin County in every public meeting and we appreciate her contributions to the TMDL process.

The development of Total Maximum Daily Loads (TMDL) for fecal coliform bacteria has generated considerable interest and concern within the agricultural community throughout the Commonwealth. The Department of Environmental Quality (DEQ) acknowledges the important contribution that agriculture makes to Virginia's economy and the legitimate use of state waters for agricultural purposes.

As discussed in public meetings, the fecal coliform criteria support a public health protection objective. Virginia's goal is that streams should be usable for recreation without people becoming ill as a consequence of contacting state waters. Fecal coliform bacteria are used to indicate whether pathogens may be present in streams at levels that are protective of public health. The TMDL Study was developed because fecal coliform bacteria levels in Gills Creek exceed current bacteria standards. It is noted that public access to Gills Creek is available via the Booker T. Washington National Monument and "Gills Creek Cove" on Smith Mountain Lake.

DEQ agrees with Franklin County that educational, technical, and financial support should be provided to the agricultural community to ease the impact of implementing best management practices (BMPs) necessary to meet bacteria criteria. Local, state, and federal agencies, including the Blue Ridge Soil and Water Conservation District, the Virginia Department of Conservation and Recreation, and the U.S. Department of Agriculture, Natural Resources Conservation Service, provide substantial educational, technical, and financial assistance to the agricultural community to implement BMPs to improve water quality. Our expectation is these services will continue to be provided to the agricultural community and that additional targeted resources will become available to assist farmers, on a voluntary basis, in efforts to attain the fecal bacteria criteria in the Gills Creek watershed. Stream fencing will be an authorized BMP that will assist in achieving the water quality goals stated in the TMDL Study.



Mr. Richard Huff, II
Page 2 of 2

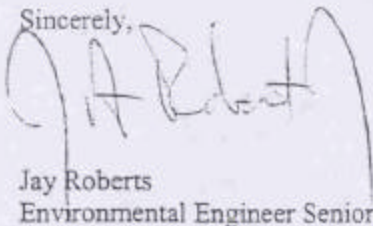
With respect to livestock populations, the final Gills Creek TMDL Study will be revised to state that the modeled populations are from the 1998 assessment period. As noted in the second public meeting, any decrease in dairy cattle numbers that occurred between the modeled time period and the present will be accounted for in the implementation plan.

The Gills Creek TMDL Study indicates wildlife contribute to the fecal bacteria loading in Gills Creek, but they are not the only bacteria source. Accordingly, we are not using the presence of wildlife sources of bacteria as a reason to delay control of point source pollutants or management of nonpoint source pollutants. If sufficient implementation efforts occur and demonstrate that natural sources of fecal bacteria in the watershed are uncontrollable by effluent limitations and reasonable, cost-effective BMPs, the Commonwealth may consider designating the stream's use for secondary contact recreation or adopting site-specific criteria based on natural background levels of fecal coliforms. The Commonwealth is not proposing a reduction of wildlife within the watershed as an implementation strategy to attain water quality standards.

At their December 12, 2001 meeting, the State Water Control Board approved a proposal for public hearing that includes bacteria criteria applicable to state waters designated for "secondary contact recreation." Enclosed is a copy of the draft revisions that would establish the secondary contact recreational use within the Virginia Water Quality Standards regulation. This proposal did not list any waters for inclusion under this designation, but DEQ fully expects to propose waters to designate as secondary contact waters as more information is gathered about these streams. The proposal is currently in Executive Review and the official comment period with public hearings is expected this summer. Please be assured that Franklin County will be kept apprised of the revision adoption process. In the meantime, DEQ must follow current regulations in developing the Gills Creek TMDL Study.

Thank you for your comments on the Gills Creek TMDL Study. The final study will be submitted to the U.S. Environmental Protection Agency by May 1, 2002. Copies of the final Gills Creek TMDL Study will be available on DEQ's website, www.deq.state.va.us/tmdl/tmdlrrpts.html, by mid-summer. We look forward to working with Franklin County as we progress from the TMDL study phase to the implementation phase of water quality improvement efforts within the Gills Creek watershed.

Sincerely,



Jay Roberts
Environmental Engineer Senior

enclosure

cc: The Honorable Wm. Roscoe Reynolds, State Senator
Mike Shelor, Department of Conservation and Recreation
Charles Martin, DEQ
Elleanor Daub, DEQ

9 VAC 25-260-170. Fecal coliform bacteria; other waters.

A. General requirements. In all surface waters, except shellfish waters and certain waters addressed in subsection B and C of this section, the fecal coliform bacteria shall not exceed a geometric mean of 200 fecal coliform bacteria per 100 ml of water for two or more samples over a 30-day period, or a fecal coliform bacteria level of 1,000 per 100 ml at any time.

B. Disinfection policy. In waters that receive sewage discharges, all the designated uses in these waters shall be protected. The board's disinfection policy applies to these waters.

1. Sewage discharges in relation to water supply intakes.

Discharges located within 15 miles upstream or one tidal cycle downstream of a water supply intake shall be disinfected in order to achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters.

2. Sewage discharges into shellfish waters.

When sewage discharges are permitted to or within five miles upstream of shellfish waters, they shall be disinfected in order to achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters.

3. Sewage discharges into other waters.

Sewage discharges into other waters shall be adequately treated and disinfected as necessary to protect all the designated uses in these waters. Generally, these discharges shall achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters. However, the board, with the advice of the State Department of Health, may determine that reduced or no disinfection of a discharge is appropriate on a seasonal or year-round basis. In making such a determination, the board shall consider the designated uses of these waters and the seasonal nature of those uses. Such determinations will be made during the process of approving, issuing, or reissuing the discharge permit and shall be in conformance with a board approved site-specific use-attainability analysis performed by the permittee. When making a case-by-case determination concerning the appropriate level of disinfection for sewage discharges into these waters, the board shall provide a 45-day public notice period and opportunity for a public hearing.

C. Surface waters, or portions of these, may be designated in accordance with 9 VAC 25-260-10 to protect secondary contact recreation.

1. Sewage discharges to secondary contact recreational waters shall meet the requirements of the disinfection policy set forth in subsection B of this section.

PROPOSAL-Water Quality Standards
State Water Control Board
December 12, 2001

2. In surface waters, except shellfish waters, designated for secondary contact recreation under this subsection, the following bacteria criteria per 100 ml of water shall apply:

	<u>Geometric Mean¹</u>	<u>Single Sample Maximum²</u>
<u>Fresh and Transition Zone Waters³</u>		
enterococci	165	307
<i>E.coli</i>	630	1173
<u>Saltwater</u>		
enterococci	175	519

¹ Calendar month average for two or more samples.

² No single sample maximum for enterococci and *E. coli* in secondary contact waters shall exceed a 75% upper one-sided confidence limit based on a site-specific log standard deviation. If site data are insufficient to establish a site-specific log standard deviation, then 0.4 shall be the log standard deviation in fresh and transition zone waters and 0.7 shall be the log standard deviation in saltwater. Values shown are based on a log standard deviation of 0.4 in freshwater and 0.7 in saltwater.

³ See subsection 9 VAC 25-260-140 C for fresh and transition zone waters delineation.

3. Surface waters designated under this subsection are as follows:
- a. (Reserved)
 - b. (Reserved)
 - c. (Reserved)